

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-cv-22538-ALTMAN/Reid

PIERCE ROBINSON, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

ORDER

On August 26, 2022, two of the three Defendants—Mark Cuban (“Cuban”) and Dallas Basketball Limited d/b/a Dallas Mavericks (the “Mavericks”)—moved for an extension of time to respond to the Plaintiffs’ Complaint. *See* [ECF No. 7] (the “Motion”). They filed the Motion even though there isn’t yet a deadline to respond to the Complaint. And there is no such deadline because the Plaintiffs haven’t yet served the third Defendant (Stephen Ehrlich). *See generally* Docket; *see also* Order in Cases with Multiple Plaintiffs and Defendants [ECF No. 4] (“The time for responsive pleadings—for all Defendants—begins to run when the last Defendant is served.”).

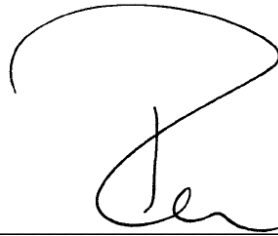
In the Motion, Cuban and the Mavericks make us aware of some related proceedings. *First*, they mention an “ongoing Chapter 11 bankruptcy action in the United States Bankruptcy Court for the Southern District of New York, Case No. 22-10943 (MEW) (‘Bankruptcy Action’), by Voyager Digital Holdings, Inc., Voyager Digital, Ltd., and Voyager Digital, LLC (together ‘Voyager Debtors’).” Motion at 2. *Second*, Cuban and the Mavericks cite a putative class action that was filed against two of the Voyager Debtors in our Court on December 24, 2021, which is pending in front of our colleague, Chief Judge Altonaga. *See ibid.* (citing *Cassidy et al. v. Voyager Digital Ltd. et al.*, Case No. 21-cv-24441 (CMA)). Notably, after the Bankruptcy Action was filed, “the Voyager Debtors filed a suggestion of

bankruptcy in *Cassidy*, and Chief Judge Altonaga stayed and administratively closed the case.” *Ibid.* *Cassidy* “remains stayed and administratively closed.” *Ibid.*

Cuban and the Mavericks also tell us that the Voyager Debtors have filed a motion in the Bankruptcy Action “requesting the court to extend the automatic stay to this present action as well.” *Id.* at 3. That motion will be heard by the bankruptcy court on September 13, 2022. *See ibid.* If that motion is granted, “that [decision] will put this case on hold, pending the completion of the [Bankruptcy Action].” *Ibid.* If it’s denied, “this case will proceed.” *Ibid.* Accordingly, the Court hereby **ORDERS** and **ADJUDGES** as follows:

1. The Clerk shall **STAY** and administratively **CLOSE** this case without prejudice to the parties. All pending deadlines are **TERMINATED**, and any pending motions—including the Motion [ECF No. 7]—are **DENIED AS MOOT**.
2. After the hearing in the Bankruptcy Action on September 13, 2022, Cuban and the Mavericks shall file in this case any order the bankruptcy court issues in connection with that hearing.
3. If the court in the Bankruptcy Action orders this case to remain stayed pending the completion of the Bankruptcy Action, then either party may move to reopen this case within thirty days of the completion of the Bankruptcy Action. In that scenario, the parties shall also file a Joint Status Report every thirty days from the date of this Order, apprising this Court of the status of the Bankruptcy Action. Alternatively, if the court in the Bankruptcy Action orders that this case may proceed, then either party may move to reopen this case within seven days of that order.
4. Notwithstanding the above, the Plaintiffs shall continue to try to serve Defendant Stephen Ehrlich under FED. R. CIV. P. 4.

DONE AND ORDERED in Miami, Florida, this 31st day of August 2022.

A handwritten signature in black ink, appearing to be 'R. Altman', written over a horizontal line.

ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record